

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Teruhito OHNISHI, et al.

Serial No.: 10/620,613

Filed: July 17, 2003



: Customer Number: 20277

: Confirmation Number: 9665

: Group Art Unit: 2823

: Examiner: BROOK KEBEDE

For: SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD OF THE SAME

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.



No additional fee is required.



Applicant is entitled to small entity status under 37 CFR 1.27



Also attached:

The fee has been calculated as shown below:

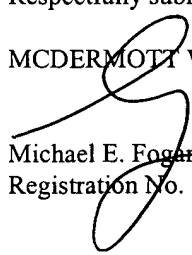
	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	12	20	0	\$18.00 =	\$0.00
Independent Claims	2	3	0	\$86.00 =	\$0.00
Multiple claims newly presented					\$0.00
Fee for extension of time					\$0.00
					\$0.00
Total of Above Calculations					\$0.00

Please charge my Deposit Account No. 500417 in the amount of \$0.00. An additional copy of this transmittal sheet is submitted herewith.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

MCDERMOTT WILL &amp; EMERY LLP

  
 Michael E. Fogarty  
 Registration No. 36,139

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 Date: June 4, 2004

IFW



Attorney Docket No.: 60188-572  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	
Teruhito OHNISHI; et al.	:	Customer No.20277
Serial No.: 10/620,613	:	Confirmation No.: 9665
Filed: July 17, 2003	:	Group Art Unit: 2823
	:	Examiner: BROOK KEBEDE
For: SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD OF THE SAME	:	

**ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed May 4, 2004, having a shortened statutory period for response set to expire June 4, 2004, wherein the Examiner required restriction between the following Groups:

- |          |   |   |
|----------|---|---|
| Group I  | - | Claims 8-14, drawn to a semiconductor device; and                       |
| Group II | - | Claims 15-19, drawn to a method for fabricating a semiconductor device. |

Applicants elect without traverse, Group II - claims 15-19 for initial prosecution on the merits.

Applicants also reserve the right to file a Divisional Application for the non-elected claims 8-14, which the Examiner has indicated is patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

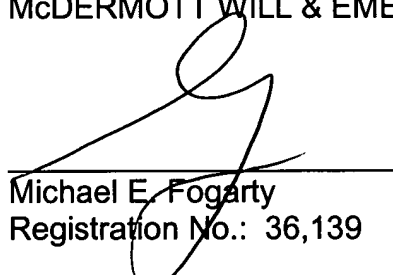
Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: \_\_\_\_\_

6/4/04

By: \_\_\_\_\_

  
Michael E. Fogarty  
Registration No.: 36,139

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